



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/083,278	05/22/98	FUJIWARA	041-2013

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EXAMINER

ZIMMERMAN, B

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/083,278

Applicant(s)

FUJIWARA ET AL.

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4-6,11,12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the WO publication to Motorola (WO 96/06417, hereafter referred to as Motorola). Motorola shows a pager which receives codes. A first portion of the codes is compared to a stored address to **detect** if the message is directed to the particular paging receiver, page 4 lines 20+. A second portion of the codes is used to display information to the user (page 4 lines 34+), and a third portion of the codes is used to activate a sound generator to audibly generate recalled tones (of chromatic scale) to be heard by the user for presenting an audible composition to the user (page 4 lines 35+).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the WO publication to Motorola in view of Wong (5394140).

Motorola, as discussed above in conjunction with claims 1,4,11; shows pager for displaying and audibly generating tones for each message. Motorola does not expressly show an input means on the pager for assigning tonal compositions to be played in response to specific composition codes. In an analogous art, Wong shows a pager which generates audible messages in response to received message codes. See abstract. This permits the user to have some creative control over how the audible composition is presented. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used an input means on the pager in order to permit the user to creatively control the audible output of an composition discussed in the Motorola document.

5. Claims 3,7,13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motorola and Wong as applied to claims 1,4,11,14 above, and further in view of Fisch (4873520).

In an analogous art, Fisch shows voice message pager. The pager of Fisch uses voice as the audible composition, in order to convey addition information to the user upon retrieval or playing of the message. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used voice as the audible

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composition in the above discusses system in order to convey additional information regarding the message.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Motorola publication as applied to claim 4 above, and further in view of Kawashima (5332994).


In an analogous art, Kawashima shows audible message pager. The pager of Kawashima uses the audible composition to convey addition information to the user. Kawashima uses a timer 12 to limit the time interval which the selected tone is generated, this provides protection to the power supply in that the audible generator does not drain the battery. It is also noted that stop commands are verily common in POCSAG systems. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a timer to limit the audible composition in the above discusses system in order to prevent excessive battery drain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703 305-4796. The examiner can normally be reached on 7am to 4pm, every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



Brian A. Zimmerman
Primary Examiner
Art Unit 2635

BaZ
December 15, 2000